

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

11/19/2003 FFANAEIA 00000073 502862 10714126-

01 FC:1001 770.00 DA  
02 FC:1201 258.00 DA  
03 FC:1202 180.00 DA

Adjustment date: 01/20/2004 EEKUBAY1  
11/19/2003 FFANAEIA 00000073 502862 10714126  
01 FC:1001 770.00 CR  
02 FC:1201 258.00 CR  
03 FC:1202 180.00 CR

01/20/2004 EEKUBAY1 00000006 502862 10714126

01 FC:2001 385.00 DA  
02 FC:2201 129.00 DA  
03 FC:2202 90.00 DA

PTO-1556  
(5/87)

DEP; REF  
ROOM-307

Patent  
Attorney Docket: 032,290-068



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of:

**MARION et al.**

**Serial No.: 10/714,126**

**Filed: November 13, 2003**

**For: DEVICES AND METHODS FOR  
CONTROLLING INITIAL  
MOVEMENT OF AN  
ELECTROSURGICAL ELECTRODE**

**REQUEST FOR REFUND**

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present application, U.S. Application Serial No. 10/714,126 entitled DEVICES AND METHODS FOR CONTROLLING INITIAL MOVEMENT OF AN ELECTROSURGICAL ELECTRODE was recently filed on November 13, 2003.

The application transmittal indicated that the applicant was a small entity and authorized all applicable fees to be charged to O'Melveny & Myers Deposit Account No. 50-2862.

A copy of the return postcard and application transmittal is attached as Exhibit A.

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**CERTIFICATE OF MAILING (37 C.F.R. §1.8)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

\_\_\_\_\_  
January 6, 2004  
\_\_\_\_\_  
Date of Deposit  
IRI:1050467.1

*Cynthia B Pacheco*  
Cynthia B. Pacheco

Patent  
Attorney Docket: 032,290-068

On November 19, 2003, the basic filing fees, total claims and independent claims fees for large entity were charged to O'Melveny & Myers Deposit Account No. 50-2862, totalling \$1,208.00. A copy of the November 19, 2003 Deposit Account Statement (Deposit Account No. 50-2862) is attached as Exhibit B.

We respectfully request a credit for the following fees:

<i>Date</i>	<i>Description</i>	<i>Fee Paid</i>	<i>Refund Due</i>
November 19, 2003	Basic filing fee – Utility	\$770.00	\$385.00
November 19, 2003	Independent claims in excess of three	\$258.00	\$129.00
November 19, 2003	Claims in excess of twenty	\$180.00	\$90.00
<i>Total Refund Due:</i>			<b>\$604.00</b>

It is requested that the refund be made by crediting O'Melveny & Myers' deposit account #50-2862 in the amount of \$604.00.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 12/9/03

By: John Kappos  
John Kappos  
Reg. No. 37,861  
Attorneys for Applicants

JCK:kmg  
Enclosures

O'MELVENY & MYERS LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618  
(949) 737-2300

Applicant: MARJON et al.

Serial No.: Not yet assigned

For: DEVICES AND METHODS FOR CONTROLLING INITIAL MOVEMENT  
OF ELECTROSURGICAL ELECTRODE

Attorney: JCK/DKW/kmg

Docket No.: 032,290-068

Please acknowledge receipt of the following by affixing hereon the Patent  
and Trademark Office date stamp and returning this card to our office.

**Enclosures:**

1. Transmittal Letter	8. PTO Form 1449 (w/out refs.)
2. Specification-18 pages	9. Receipt verification postcard
3. Claims-13 pages	
4. Abstract-1 page	
5. Drawings-5 pages formal	
6. Preliminary Amendment	
7. Information Disclosure Statement	

22386 U.S. PTO  
10/714126

Date of Deposit: November 13, 2003  
Express Mailing Label No. EV337189991US

IR1:1049440.1



111303

*dk*

**Exhibit A**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 032,290-068

First Named Inventor: MARION, Duane W.

Prior Application Information:

Serial No. 60/426,030

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## FILING UNDER 37 C.F.R. §1.53(b)

This is a request for filing for an application under 37 C.F.R. §1.53(b) which claims the benefit of U.S. provisional application Serial No. 60/426,030, filed on November 13, 2002, by MARION, Duane W., et al., entitled:

DEVICES AND METHODS FOR CONTROLLING INITIAL MOVEMENT  
OF ELECTROSURGICAL ELECTRODE

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## APPLICATION ELEMENTS ENCLOSED

18 Page(s) of Written Description  
13 Page(s) of Claims  
1 Page(s) of Abstract  
5 Sheet(s) of Drawings  formal  informal  
       Page(s) of  Declaration or  Declaration and Power of Attorney  
           Copy from prior application [37 CFR §1.63(d)]  
           Newly executed  
       Other:  
  
 Assignment papers (cover sheet and documents(s))  
 An Information Disclosure Statement, PTO 1449,  with copies of cited items.

## CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Express Mail Label No. EV337189991US) in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

November 13, 2003 Cynthia B. Pacheco  
Date of Deposit Cynthia B. Pacheco  
IRI:1049437.1

Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

**FEE CALCULATION**

Applicant claims small entity status under 37 C.F.R. §1.27.

<b>BASIC FILING FEE:</b>						\$770.00
Total Claims	30	-	20	=	10	x \$18.00
Independent Claims	6	-	3	=	3	x \$86.00
Multiple Dependent Claims	\$290	(if applicable)			<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						\$1,208.00
Reduction by ½ for Filing by Small Entity.					<input checked="" type="checkbox"/>	\$604.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
<b>TOTAL FEES DUE HEREWITH</b>						\$604.00

**PRIORITY - 35 USC § 119**

Priority of application Serial No. 60/426,030 filed on November 13, 2002 in the United States is claimed under 35 USC § 119.

The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_ on \_\_\_\_.

The certified copy will follow.

**AMENDMENTS**

Cancel in this application original claims \_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)

A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**RELATE BACK - 35 USC § 120**

- Relate back information included in preliminary amendment or specification.
- Please amend the specification as follows:
  - With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 C.F.R. § 1.53(b)(1)]:
    - the same.
    - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 C.F.R. §§ 1.33(b) and 1.63(d)(2)]:  
[Name(s) of inventor(s) to be deleted]

**METHOD OF PAYMENT OF FEES**

- Attached is a check in the amount of \$ \_\_\_\_\_.
- Charge O'Melveny & Myers's Deposit Account No. 50-2862 in the amount of \$604.00.
- Not attached. No filing fee is submitted. [This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.]

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit O'Melveny & Myers's Deposit Account No. 50-2862 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 50-2862:

- 37 CFR § 1.16 (Filing fees and excess claims fees)
- 37 CFR § 1.17 (Application processing fees)
- 37 CFR § 1.21 (Assignment recordation fees)

**POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_.
- A new power has been executed and is attached.

Please send all correspondence to Customer Number 34263:

O'Melveny & Myers LLP  
114 Pacifica, Suite 100  
Irvine, CA 92618-3315  
(949) 737-2900

Please direct all inquiries to John Kappos, at the above Customer Number.

#### MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_. A copy of the petition for extension of time in the prior application is attached.
- A conditional petition for extension of time is being filed in the pending prior application. A copy of the conditional petition for extension of time in the prior application is attached.

#### ABANDONMENT OF PRIOR APPLICATION

- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: November 13, 2003

By: Diane K. Wong  
Diane K. Wong  
Reg. No. 54,550

DKW/kmg  
Enclosures

ARTEMIS MEDICAL, INC.

Name of Assignee

21021 Corsair Boulevard, Suite 100, Hayward, California 94545

Address of Assignee

President and Chief Executive Officer

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on April 7, 2003, at Reel 013919, Frame 0844.



**United States  
Patent and  
Trademark Office**

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**Deposit Account Statement**

**Requested Statement Month:** November 2003  
**Deposit Account Number:** 502862  
**Name:** O'MELVENY & MYERS LLP  
**Attention:** KRISTIN M GODFREY  
**Address:** 114 PACIFICA  
**City:** IRVINE  
**State:** CA  
**Zip:** 92618

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/05	153	09904016	265/174	1501	\$1,330.00	\$3,645.00
11/05	154	09904016	265/174	1504	\$300.00	\$3,345.00
11/05	155	09904016	265/174	8001	\$30.00	\$3,315.00
11/07	179	10387304	612404-419	8021	\$40.00	\$3,275.00
11/07	182	6531302	612404-249	8021	\$40.00	\$3,235.00
11/12	43	PAYMENT		9203	-\$25.00	\$3,260.00
11/12	44	PAYMENT		9203	-\$1,984.00	\$5,244.00
11/13	174	09410368	244/006	2251	\$55.00	\$5,189.00
11/13	239	09751445	260/031	8021	\$40.00	\$5,149.00
11/14	1	10291150	161,700-073	2814	\$55.00	\$5,094.00
11/18	34	10698712	491,920-033	2001	\$385.00	\$4,709.00
11/18	35	10698712	491,920-033	2201	\$43.00	\$4,666.00
11/18	36	10698712	491,920-033	2202	\$261.00	\$4,405.00
11/19	24	PAYMENT		9203	-\$2,897.00	\$7,302.00
11/19	139	10714126	032,290-068	1001	\$770.00	\$6,532.00
11/19	140	10714126	032,290-068	1201	\$258.00	\$6,274.00
11/19	141	10714126	032,290-068	1202	\$180.00	\$6,094.00
11/19	335	10159974	271/134	8001	\$30.00	\$6,064.00
11/20	132	PCT/US03/10082	443,773-26	1605	\$490.00	\$5,574.00
11/20	133	PCT/US03/10082	443,773-26	1705	\$172.00	\$5,402.00
11/24	14	10698712	491,920-033	1504	\$300.00	\$5,102.00
11/24	43	PCT/US03/36355	032,290-069	1601	\$240.00	\$4,862.00
11/24	44	PCT/US03/36355	032,290-069	1602	\$700.00	\$4,162.00
11/24	45	PCT/US03/36355	032,290-069	1701	\$328.00	\$3,834.00
11/24	46	PCT/US03/36355	032,290-069	1703	\$84.00	\$3,750.00
11/24	47	PCT/US03/36355	032,290-069	1707	\$416.00	\$3,334.00
11/24	48	PCT/US03/36355	032,290-069	8007	\$20.00	\$3,314.00
11/25	8	09818100	253/183	2501	\$15.00	\$3,299.00

11/25 10	09818100	253/183	8001	\$30.00	\$3,269.00
11/26 50	10718376	505,807-058	1001	\$770.00	\$2,499.00
11/26 51	10718376	505,807-058	1202	\$72.00	\$2,427.00
11/28 18	PAYMENT		9203	-\$5,000.00	\$7,427.00
11/28 19	PAYMENT		9203	-\$3,374.00	\$10,801.00
11/28 21	PAYMENT		9203	-\$717.00	\$11,518.00
11/28 52	60524287	302.670-061	2005	\$80.00	\$11,438.00
11/28 161	76299557		6004	\$150.00	\$11,288.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$4,975.00	\$7,684.00	\$13,997.00	\$11,288.00

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